

## REMARKS

### I. OFFICE ACTION SUMMARY

Claims 1-19 are presently pending. Claims 1, 8, 14 and 16 are the independent claims. In the Office Action, the Examiner withdrew the previous indefiniteness rejection of claim 15. The Examiner also withdrew the previous §102(b) rejections of claims 8-16 based on Taskett (US 5,762,376) and the §103 rejection of claims 1-7 over Taskett and Jagadish. The Examiner maintained the rejections of claims 1 and 3-17 as anticipated by Cohen et al. (US 5,946,380) under 35 U.S.C. §102(e), claim 2 as obvious over the combination Cohen and Taskett, and claims 18-19 as obvious over Cohen under 35 U.S.C. §103(a).

On November 27, 2001, the undersigned contacted Examiner Foster regarding the pending Office Action. Claim 1 was discussed and a proposed amendment was discussed. The Examiner preliminarily indicated that the attached amended claim 1 may distinguish over the cited art, but suggested a new search may be required. The undersigned thanks the Examiner for the courtesy extended in that telephone call.

### II. CLAIM REJECTIONS UNDER 35 U.S.C. §102

The Examiner rejected claims 1 and 3-17 under 35 U.S.C. § 102(e) as anticipated by Cohen et al. The Cohen reference discloses a communication system and method of expenditure control where a call expenditure control server 125 provides prepaid or post paid calling services to callers (Col. 3, lines 7-23). The call expenditure control server in Cohen utilizes a control program 224 in a control processor 102 to "monitor[s] the call in progress to determine how much time has elapsed" (Col. 2, lines 30-32) and otherwise continuously monitors the time and value of each call made (Col. 6, lines 19-27; Col. 4, lines 42-47; Col. 4, lines 56-59).

#### CLAIM 1

Although Applicants respectfully disagree with the current rejection of claim 1 for reasons previously stated, Claim 1 of the present application has been amended to expedite allowance of the current application. Specifically, claim 1 has been amended to clarify that individual calls are not monitored to determine the expiration of a service period of a prepaid local telephone service program. Unlike Cohen, claim 1 relates to a

prepaid local telephone service where the period of service does not relate to the length of individual calls and, therefore, the expiration of a period of service is unrelated to a particular call.

In Cohen, a call is monitored for its duration by a call processor so that time and value are decremented. Claim 1, as amended, recites the operation of an application server 22 in a prepaid local telephone system that sends termination information to a subscriber prior to expiration of a period of service, **wherein the expiration of the period of service is unrelated to a duration of a subscriber telephone call.**

As explained in greater detail in the present specification, for example on page 9, lines 7-27, page 12, lines 4-24, and page 13, lines 23-32, the period of service is not a period of a single call. Instead, the period of service relates to an overall period in which a number of calls may be made and where no continuous call monitoring is required as in Cohen. In contrast to the period of service determination and monitoring claimed in claim 1, Cohen requires that each individual call be tracked and that the control processor be involved in the entirety of each call to calculate duration and decrement a value for the call (Col. 4, lines 56-59). The invention of claim 1 recites tracking an entire service period (e.g. a 30 day counter – see, for example, page 9, lines 7-13 and page 12, lines 3-23 in the specification as filed) as opposed to Cohen where call-by-call and minute-by-minute monitoring are required.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that claim 1 distinguishes over the cited art. Claims 2-7 are dependent claims, therefore their allowability directly follows from allowability of independent claim 1.

#### CLAIM 8

Amended claim 8 recites, *inter alia*, an applications server in a prepaid local telephone service system where the applications server includes **means for monitoring a subscriber service period without monitoring a duration of individual telephone calls and without monitoring a dollar value of individual telephone calls** and means for automatically communicating service termination date information to a subscriber prior to an expiration of a service period for the subscriber.

As discussed with respect to claim 1, the Cohen reference teaches that individual calls are monitored for their duration and that the subscriber account is decremented in

time and value for each call (See Col. 4, lines 42-47 and 56-59). Applicants respectfully submit that claim 8 distinguishes over the Cohen reference. Claims 9-13 are dependent claims, therefore their allowability directly follows from the allowability of independent claim 8.

#### CLAIM 14

Amended claim 14 relates to a method of providing prepaid local telephone services to a subscriber. The method includes:

**monitoring the period of service for the subscriber account at the prepaid local telephone service database independently of a duration and a dollar value of a subscriber telephone call; and**

**sending service termination information to the subscriber prior to an expiration of the period of service.**

As described above, claim 14 relates to a prepaid local telephone call service where neither time nor cost of individual telephone calls are monitored. Instead, an entire service period is monitored to see if the prepaid account is still active. The Cohen reference discloses making "a regular toll call" (Col. 4, lines 27-31). The Cohen reference lacks any teaching of a prepaid local telephone service or establishing a subscriber account on a prepaid local telephone service database.

The Cohen reference teaches monitoring each telephone call and decrementing time and dollar value balances for a subscriber. More specifically, Cohen recites "establishing a maximum allowable time for the caller's call based on the information[on the caller's account] and the destination of the caller's call. The processor monitors the call in progress to determine how much time has elapsed." Col. 2, lines 27-31). Even in one embodiment discussed in Cohen ("soft-stop" option - Col. 3, line 41 et seq.) where the prepaid account expires and regular billed payment starts up, the billed payment of Cohen monitors cost per call. In contrast to this, claim 14 recites monitoring the period of service independently from a duration and a dollar value of a subscriber's telephone call. For at least these reasons, Applicants respectfully submit that claim 14 is allowable over the art of record. Claim 15 is a dependent claim, therefore its allowability directly follows from the allowability of independent claim 14.

## CLAIM 16

Claim 16 relates to method of providing prepaid local telephone services to a subscriber having a telecommunications device connected to a subscriber line and in communication with a telephone network via the subscriber line. Claim 16 recites

**monitoring the period of service for the subscriber account at the prepaid local telephone service database without monitoring a duration of individual telephone calls and without monitoring a dollar value of individual telephone calls.**

The Cohen reference fails to teach or disclose a prepaid local telephone service. Cohen et al. not only fails to teach a prepaid local telephone system, it also fails to teach or suggest monitoring a period of service without monitoring a duration or a dollar value of individual telephone calls. Applicant respectfully submits that, for at least these reasons, claim 16 is allowable over the art of record. Claims 17-19 are dependent claims, therefore their allowability directly follows from the allowability of independent claim 16. Reconsideration is respectfully solicited.

### **III. CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

#### **A. Rejection of Claim 2 over the combination of Cohen and Taskett**

Claim 2 is a dependent claim, therefore it is allowable for at least the same reasons as provided for claim 1 above.

#### **B. Rejection of claims 18-19 over Cohen**

Claims 18-19 are dependent claims, therefore they are allowable for at least the same reasons as provided for claim 16 above.

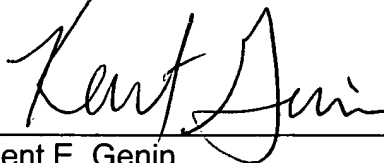
### **IV. CONCLUSION**

Applicants have amended claims 1, 8, 14 and 16 to expedite allowance of the pending claims. Applicants disagree with the current rejections and reserve the right to refile unamended claims 1, 8, 14 and 16 in a continuation application. Pursuant to 37 C.F.R. § 1.121, a marked up copy of amended claims 1, 8, 14 and 16 is attached.

Applicants submit that the present amendments are fully supported by the specification as filed.

In light of the above amendments and remarks, Applicants submit that all of the pending claims (1-19) are in condition for allowance. If any questions arise or issues remain, the Examiner is invited to contact the undersigned at the number listed below in order to expedite disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent E. Genin", written over a horizontal line.

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## APPENDIX A

1. (Amended) A method for providing prepaid local telephone services to a subscriber having a telecommunications device connected to a subscriber line and in communication with a telephone network via the subscriber line, the method comprising:

receiving a telephone call from the subscriber;

identifying a subscriber account in a prepaid local telephone call database for the subscriber based on the telephone number of the subscriber;

receiving a value identification code associated with a prepaid local telephone service program;

determining a period of service for the identified subscriber account;

monitoring the period of service at the prepaid local telephone call database; and

sending termination date information to the subscriber prior to an expiration of the period of service, wherein the expiration of the period of service is unrelated to a duration of a subscriber telephone call.

8. (Twice amended) In communication with a telephone network having at least one local exchange carrier in communication with at least one subscriber, a system for providing prepaid local telephone services comprising:

a prepaid local telephone call service center in communication with the at least one local exchange carrier, the prepaid local telephone service call service center comprising:

an applications server having a processor and a subscriber database, the subscriber database comprising subscriber service period information and subscriber identification information, the applications server further comprising means for monitoring a subscriber service period without monitoring a duration of individual telephone calls and without monitoring a dollar value of individual telephone calls and means for automatically communicating service termination

date information to a subscriber prior to an expiration of [a service period for] the subscriber service period.

14. (Twice amended) A method of providing prepaid local telephone services to a subscriber having a telecommunications device connected to a subscriber line and in communication with a telephone network via the subscriber line, the method comprising:

establishing a subscriber account on a prepaid local telephone service database, the subscriber account comprising subscriber identification information and a period of service;

monitoring the period of service for the subscriber account at the prepaid local telephone service database independently of a duration and a dollar value of a subscriber telephone call; and

sending service termination information to the subscriber prior to an expiration of the period of service.

16. (Amended) A method of providing prepaid local telephone services to a subscriber having a telecommunications device connected to a subscriber line and in communication with a telephone network via the subscriber line, the method comprising:

establishing a subscriber account on a prepaid local telephone service database, the subscriber account comprising subscriber identification information and a period of service;

monitoring the period of service for the subscriber account at the prepaid local telephone service database without monitoring a duration of individual telephone calls and without monitoring a dollar value of individual telephone calls;

sending a reminder message to the subscriber prior to an expiration of the period of service; and

sending a suspend message to the telephone network, the suspend message comprising an instruction to suspend local telephone service for the subscriber and to

place the subscriber account on hold, wherein the subscriber account is maintained in an inactive state.